

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)

vs.
CARLOS JAVIER FIGUEROA, Rochester, New York
Defendant. May 14, 2021
9:53 a.m.
- - - - -X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.
United States Attorney
BY: ROBERT A. MARANGOLA, ESQ.
CASSIE M. KOCHER, ESQ.
Assistant United States Attorneys
500 Federal Building
Rochester, New York 14614
Appearing on behalf of the United States

PAUL J. VACCA, JR., ESQ.
One East Main Street, Suite 1000
Rochester, New York 14614
Appearing on behalf of the Defendant

ALSO PRESENT: Nicolas Penchaszadeh, Spanish Interpreter
Barbara Considine, Spanish Interpreter
Besayda Soto Abbate, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)
Christimacri50@gmail.com
Kenneth B. Keating Federal Building
100 State Street, Room 2640
Rochester, New York 14614

I N D E X

WITNESS FOR THE GOVERNMENT

Axel Aponte Camacho

Direct examination by Mr. Marangola

Page 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present; the jury is present).

09:53:03AM

THE COURT: You may continue.

MR. MARANGOLA: Thank you, Your Honor. The Government recalls Mr. Aponte Camacho.

BY MR. MARANGOLA:

09:53:17AM

Q. Mr. Aponte Camacho, I'm going to remind you you're still under oath. Do you understand that?

A. Yes.

Q. Where we left off yesterday was I believe you were describing the first time you worked the table. Do you recall that?

09:53:31AM

A. Yes.

Q. And if we can go to Government's 106, which is in evidence? I believe you testified yesterday that an apartment in this building is where you first worked the table, correct?

A. Yes.

09:53:59AM

Q. All right. If we can go to Government's 26? Tell us when you first got to the apartment that day, who was there? Show us on Government's 26. If you touch the screen over the photo, it should leave a mark.

09:54:40AM

All four of those individuals that you circled were there at the apartment when you first got there?

1 A. Yes.

2 Q. Okay. For the record you've circled the top photograph; is
3 that correct?

4 A. Yes.

09:54:56AM 5 Q. Who is in that photo?

6 A. Carlos Javier, Javi.

7 Q. And you circled the photograph below and to the right of
8 him in the second row; is that correct?

9 A. Yes.

09:55:09AM 10 Q. That's who in that photograph?

11 A. Roberto Figueroa.

12 Q. And you circled the photograph right below Roberto
13 Figueroa's photograph; is that correct?

14 A. Yes.

09:55:24AM 15 Q. And who is in that photo?

16 A. Pistolita.

17 Q. And you circled the photo all the way to the left in that
18 third row as well. Who is in that photo?

19 A. Obed Torres.

09:55:37AM 20 Q. Can you describe what happened when you went into the
21 apartment -- first, if you can clear your mark on the screen?
22 And tell us what happened when you first went into the
23 apartment that day.

24 A. I went in, I went through the kitchen, through the living
09:56:03AM 25 room, the first room on the left-hand side when I opened the

1 door and at the table was Roberto Figueroa, Pistolita, and
2 Obed. And the table was like very close to the door when you
3 open it.

4 So I went in, I said hi to Obed and to Robert and
09:56:39AM 5 to Pistolita, and Robert told me, listen, this is easy, this
6 is simple. You take the spoon, you take a little mountain of
7 heroin, you clean it with like a card, like a credit card, and
8 you put it inside the bag and then you fold it and you will
9 put tape.

09:57:16AM 10 And at the table there was heroin and cocaine on
11 another side. And there was a lot of bags of heroin already
12 with heroin inside. The only thing that needed to do was fold
13 them and put a piece of tape. And there was two bowls, they
14 look like -- like the bowls for Halloween, the pumpkins that
09:57:53AM 15 the little kids use, just like that, full of heroin and bags
16 already folded with tape.

17 And there was another one with black bags that
18 that's where they put ten bags of heroin, that that's a
19 bundle.

09:58:21AM 20 After -- after I arrive, like three minutes after,
21 Javi arrive and he told me welcome to the family, that if they
22 already explain to me how will they pack it and Robert told
23 him yes, and he told me listen, this is how you do this.

24 Q. Who said listen, this is how you do this?

09:58:49AM 25 A. Javi. And he took the spoon, he took a little mountain of

1 heroin, he cleaned it with the card, and he put it in the bag.

2 And he took another one, he cleaned it, and put it in the bag.

3 And he asked Obed if he explained to me how we do

4 the cocaine and Obed told him yes. Because when I went in

09:59:27AM 5 after Robert explained to me about the heroin, Obed told me

6 about the cocaine.

7 That it was almost similar. You take the spoon

8 with the credit card, you will clean it, and you will put it

9 like in a ziplock bag, very small, and there was a light up

09:59:55AM 10 candle that you will burn the top part of the bag so that

11 cocaine will not come out.

12 Q. Do you remember how you got to the apartment that day?

13 A. Yes.

14 Q. How did you get there?

10:00:18AM 15 A. Obed and Pistolita picked me up at my mother's house at

16 150 Van Aucker.

17 Q. You said when you went in you said hello to Robert?

18 A. Yes.

19 Q. Now, before that day did you know who Robert was?

10:00:43AM 20 A. Yes.

21 Q. How did you know who Robert was?

22 A. Because I already give him a hair cut. He was the

23 stepfather of Jose Rodriguez, one of the guys that used to

24 hang out with me and Obed.

10:01:03AM 25 Q. So you knew Roberto Figueroa from cutting his hair?

1 A. Yes.

2 Q. Before the first time that you worked the table?

3 A. Yes.

4 Q. You said that -- so Javi was not in the apartment when you
10:01:22AM 5 first got there?

6 **MR. VACCA:** Objection, leading.

7 **THE COURT:** Overruled. Go ahead.

8 **THE WITNESS:** No.

9 **BY MR. MARANGOLA:**

10:01:29AM 10 Q. When Javi got into the apartment did you recognize who he
11 was?

12 A. Yes.

13 Q. So you knew who Javi was before that day the first time
14 you worked the table?

10:01:45AM 15 A. Yes.

16 Q. How did you know who Javi was?

17 A. Because I already give him a hair cut when -- when I give
18 a hair cut to Robert one time at Robert's house, he used to
19 live with Holly, that's on the west side behind Columbia. And
10:02:10AM 20 Javi went there with his wife and his two kid and I give him a
21 hair cut and the two little kids, and his wife I pluck her
22 eyebrows.

23 Q. That happened before the first time you worked the table?

24 A. Yes.

10:02:28AM 25 Q. When Javi said to you welcome to the family, what did you

1 understand that to mean?

2 **MR. VACCA:** Objection.

3 **THE COURT:** Overruled. He can say what he believed.

4 **THE WITNESS:** That I was like -- that I was like in
10:02:50AM 5 the group of the workers.

6 **BY MR. MARANGOLA:**

7 Q. When you say workers, do you mean workers who were cutting
8 hair?

9 A. No.

10:02:58AM 10 Q. What do you mean workers?

11 A. Selling drugs.

12 Q. Workers who were selling drugs?

13 A. Yes.

14 Q. At that first time did anyone say anything to you about
10:03:16AM 15 whether or not you would be paid for being a worker and doing
16 the work at the table?

17 A. Yes.

18 Q. Tell us about that.

19 A. When Javi went in, that he told me welcome to the family
10:03:36AM 20 and he explain to me how we'll do the heroin, and he asked
21 Obed how to -- we do the cocaine, he said that they were gonna
22 pay me for that table \$200, but that most of the time for the
23 table they will pay \$500.

24 Q. Who said that to you?

10:04:08AM 25 A. Javi.

1 Q. Did Javi say why he was only going to pay you 200 for that
2 first table, but 500 after that?

3 A. No, but -- but I assume because it was --

4 **MR. VACCA:** Objection, Your Honor.

10:04:29AM 5 **THE COURT:** Sustained. That will be stricken.

6 **BY MR. MARANGOLA:**

7 Q. When you arrived there was -- you said a pile of heroin
8 was on the table?

9 A. Yes.

10:04:41AM 10 Q. Was there any indication of whether any heroin had been
11 packaged before you got there?

12 **MR. VACCA:** Objection.

13 **THE COURT:** Overruled. He can talk about his
14 observations.

10:04:55AM 15 **THE WITNESS:** Yes.

16 **BY MR. MARANGOLA:**

17 Q. What were those observations of whether or not heroin had
18 already been packaged at the time you arrived?

19 A. Can you repeat the question?

10:05:08AM 20 Q. Yeah. You said there was a pile of heroin on the table?

21 A. Yes.

22 Q. And this is at the time you arrived?

23 A. Yes.

24 Q. Were there already packages of heroin or cocaine on the
10:05:23AM 25 table as well as the pile?

1 A. Yes.

2 Q. And that was at the time you arrived?

3 A. Yes.

4 Q. Okay. What happened after Javi told you about paying you
10:05:41AM 5 \$500 to work the table in the future?

6 A. Can you repeat the question?

7 Q. Yes. What did Javi tell you -- I'm sorry, what happened
8 after Javi told you he would pay you \$500 for working the
9 table in the future?

10:06:02AM 10 A. That Obed was gonna call me when I have to work and not to
11 tell -- and not to say anything specific over the phone.

12 Q. Did you or other people continue to work the table?

13 A. Yes.

14 Q. What did Javi do?

10:06:30AM 15 A. I don't understand the question.

16 Q. When you and the others were sat down and continued to
17 work the table, what did Javi do?

18 A. Oh, he left.

19 Q. He didn't sit and stay with you in bagging the drugs?

10:06:45AM 20 **MR. VACCA:** Objection, Your Honor, asked and
21 answered.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** No.

24 **BY MR. MARANGOLA:**

10:06:52AM 25 Q. Did you end up getting paid money for working the table

1 that day?

2 A. Not that same day.

3 Q. When did you get paid?

4 A. The next day.

10:07:05AM 5 Q. How did you get paid?

6 A. Obed picked me up and he took me to Fernwood and Javi paid
7 me.

8 Q. How much did he pay you?

9 A. \$200.

10:07:21AM 10 Q. Did he say anything when he paid you?

11 A. No.

12 Q. I'd like to show you Government's 71. Do you recognize
13 what's shown in Government's 71?

14 A. Yes.

10:07:42AM 15 Q. What's shown in Government's 71?

16 A. The house where Javier used to live on Fernwood.

17 Q. Is that the place where you got paid the first time for
18 working the table by Javi?

19 A. Yes.

10:08:04AM 20 Q. All right. What was done -- well, after the first time did
21 you continue to work the table?

22 A. Yes.

23 Q. What was done with the bags of drugs that you filled at
24 the table?

10:08:21AM 25 A. They will take it to Burbank to sell.

1 **MR. VACCA:** Objection, Your Honor.

2 **THE COURT:** Overruled.

3 **BY MR. MARANGOLA:**

4 Q. You can answer.

10:08:33AM 5 A. They will leave some packages at the house and they will
6 take drugs to Burbank to sell it.

7 Q. All right. So the drugs you were packaging were for sale?

8 A. Yes.

9 Q. How often did you work the table packaging drugs for sale?

10:08:56AM 10 A. Two or three times a week.

11 Q. And when you work the table two to three times a week what
12 drugs were you packaging for sale?

13 A. Heroin and cocaine.

14 Q. Were you paid each time you worked the table?

10:09:18AM 15 A. Yes.

16 Q. How much?

17 A. It depends.

18 Q. What were you usually paid?

19 A. \$500.

10:09:28AM 20 Q. How long a period of time, like how many minutes or hours,
21 would you typically sit while you were working the table
22 packaging drugs for sale?

23 A. Like -- I can say like from 9 o'clock at night to

24 5 o'clock in the morning, 6 o'clock in the morning. It

10:09:58AM 25 depends how much was the amount of drug that we were

1 packaging.

2 Q. Was there a set schedule for a time that you started?

3 A. No.

4 Q. How would you know when it was time for you to work the
10:10:16AM 5 table?

6 A. Obed will call me.

7 Q. Now, you said sometimes it was 9 at night to 5 in the
8 morning?

9 A. Yes.

10:10:29AM 10 Q. When you worked the table was it always at night or was it
11 during the day sometimes?

12 A. Always it was at nighttime.

13 Q. Why was it always at night?

14 **MR. VACCA:** Objection, Your Honor.

10:10:47AM 15 **THE COURT:** Overruled. If he knows.

16 **THE WITNESS:** Because that was the order that Javier
17 gave.

18 **BY MR. MARANGOLA:**

19 Q. Now, if you worked the table for, say, eight hours can you
10:11:05AM 20 tell the jury how many bags of heroin and cocaine you would
21 fill in those eight hours?

22 A. It depends how much was the heroin. It could be 7,000
23 bags, 4,000 bags.

24 Q. Can you describe the piles of powder that would be on the
10:11:32AM 25 table when you would work the table of heroin and cocaine?

1 A. You trying to say the color?

2 Q. No. Well, you tell us the color, the color of heroin, the
3 pile of heroin and the color of the pile of cocaine, what did
4 they look like?

10:11:54AM 5 A. The heroin was like -- like light brown, like beige color.
6 And the cocaine was white.

7 Q. Can you show us with your hands on the ledge in front of
8 you about the sizes of the pile -- the size of the piles of
9 heroin and cocaine that would be on the table when you worked
10 the table packaging drugs for sale?

11 **MR. VACCA:** Objection, Your Honor.

12 **THE COURT:** Overruled.

13 **THE WITNESS:** A mountain like this. Like this of
14 heroin. And most of the time was two -- one on one side and
10:12:40AM 15 another one on the other side. And when it was the cocaine it
16 wasn't that big the mountain.

17 **BY MR. MARANGOLA:**

18 Q. All right. And you've moved your hand showing -- with
19 respect to the heroin -- a few inches high to represent the
10:12:57AM 20 pile of heroin; is that accurate?

21 A. Can you repeat the question?

22 Q. When you just showed us the pile of heroin, you referenced
23 a few inches high with your hands; is that an approximation of
24 what you just showed the jury?

10:13:16AM 25 A. Yes.

1 Q. And what was the -- you indicated the pile of cocaine will
2 be smaller?

3 A. Yes.

4 Q. And did you --

10:13:33AM 5 **THE COURT:** Mr. Vacca, hang on a second.

6 **MR. MARANGOLA:** I couldn't hear.

7 **MR. VACCA:** Your Honor, sidebar.

8 (WHEREUPON, a discussion was held at side bar out
9 of the hearing of the jury.)

10:13:59AM 10 **THE COURT:** Go ahead, Mr. Vacca.

11 **MR. VACCA:** Your Honor, my client explains to me
12 that the interpreter is using the slang word for cocaine
13 rather than the word needed in Spanish for cocaine. Not
14 slang. And that --

10:14:20AM 15 **THE COURT:** First of all, which interpreter is he
16 speaking of?

17 **MR. VACCA:** About the interpreter Ms. Soto. Your
18 Honor, he indicates to me that the witness is using a slang
19 word for cocaine, *perico*, and the interpreter is using the
10:14:59AM 20 word for cocaine -- not the slang word, but cocaine.

21 **THE COURT:** Who is using the slang word?

22 **MR. VACCA:** The witness.

23 **THE COURT:** Okay.

24 **MR. VACCA:** That's my understanding..

10:15:14AM 25 **THE COURT:** Maybe Mr. Marangola can clear it up by

1 asking the witness a couple additional questions.

2 **MR. MARANGOLA:** Sure, Judge, so the record is clear,
3 the -- the witness isn't speaking into the microphone that the
4 defendant is hearing on. The only speaking into the
10:15:29AM 5 microphone is the interpreter.

6 So he may not have heard what -- the word the
7 witness has said is actually *perico*, which is the Spanish word
8 for cocaine. So -- but regardless --

9 **MR. VACCA:** Your Honor, he indicates that -- that he
10:16:46AM 10 wants to hear the witness testify --

11 **THE COURT:** Well, apparently he can hear.

12 **MR. VACCA:** Yeah.

13 **THE COURT:** Okay. We're all set, thank you.

14 (**WHEREUPON**, side bar discussion concluded.)

10:17:06AM 15 **THE COURT:** You may proceed.

16 **MR. MARANGOLA:** Thank you, Your Honor.

17 **BY MR. MARANGOLA:**

18 Q. Where we last left off is you estimated the height of the
19 pile for heroin and indicated that the pile of cocaine was
10:17:19AM 20 smaller. Is it a fair approximation that -- of the estimation
21 of the pile of cocaine was approximately an inch to two inches
22 high?

23 A. I will say like 3 inches.

24 Q. And is that the same height or different height than the
10:17:47AM 25 pile of heroin?

1 A. 3 inches the heroin.

2 Q. Okay. The heroin pile was about 3 inches high?

3 A. Yes.

4 Q. And the cocaine pile was about how high?

10:18:08AM 5 A. Like 2.

6 Q. Okay. Now, you described the size of the piles and
7 estimates on the number of bags. Do you know what quantities
8 as in the weight of the heroin or the cocaine that you would
9 package for sale when you worked the table?

10:18:32AM 10 A. Can you repeat the question?

11 Q. Sure. Can you tell us what was the weight or quantity of
12 the drugs that you packaged when you worked the table?

13 A. Yes.

14 Q. Can you tell us with respect to heroin?

10:18:55AM 15 A. 250 grams of heroin or 350 grams of heroin. The most that
16 we will do was 450 of heroin.

17 Q. So -- go ahead.

18 A. And cocaine -- a 31 of cocaine or a 62 of cocaine.

19 Q. When you say a 31 or a 62, what are you referring to when
10:19:30AM 20 you say 31 or 62?

21 A. 31 grams or 62 grams of cocaine.

22 Q. Now, did you also -- was there crack that was also
23 packaged at times when you worked the table?

24 A. Yes, but we didn't package it.

10:19:51AM 25 Q. All right.

1 A. And it was -- and that was only in the Culver apartment.

2 Q. Okay. On the occasions where crack cocaine was packaged,
3 what was the weight of the crack cocaine that was packaged?

4 A. I don't know.

10:20:17AM 5 Q. Okay. Can you describe what the crack cocaine looked like?

6 A. It was like a cracker, like a vanilla cracker and it looks
7 like -- like the vanilla color, like clear.

8 Q. You say vanilla cracker or cookie?

9 A. Cookie.

10:20:52AM 10 Q. About how high -- what was the thickness of the cookie?

11 A. Like this.

12 Q. You're approximating half an inch?

13 A. Yes.

14 Q. After the drugs were packaged how long would they stay in
10:21:15AM 15 the apartment?

16 A. Like three -- three days, two days.

17 Q. When you would return to the apartment each time you
18 worked the table, describe if there was still any bags left
19 that had already been packaged.

10:21:43AM 20 A. Yes, but a few.

21 Q. When you say a few, what do you mean?

22 A. Like six packages.

23 Q. All right. What was a package?

24 A. It was ten bundle inside -- inside a clear bag.

10:22:07AM 25 Q. Ten bundles of what?

1 A. Of heroin.

2 Q. And you said before ten bags is one bundle?

3 A. Yes, ten bags it will go inside a black bag, and that was
4 a bundle ten bags.

10:22:29AM 5 Q. Ten of those would be a package?

6 A. Ten of those black bags in one package in a clear bag.

7 Q. That would be how many total bags of heroin then in a
8 package?

9 A. 100 bags.

10:22:49AM 10 Q. Did you package heroin in the same thing as cocaine and
11 crack cocaine?

12 A. Can you repeat the question?

13 Q. Sure. Can you describe the packaging that was used for
14 the heroin, the cocaine and the crack cocaine?

10:23:10AM 15 A. Yes.

16 Q. Go ahead.

17 A. The cocaine it was like a very small ziplock bag; and the
18 crack it was like capsule -- like crystal, like the capsule
19 for perfume samples; and the heroin it was like a little bag
10:23:48AM 20 like paper. It looked like the long pieces of gum.

21 Q. The heroin?

22 A. Where it will come, the heroin.

23 Q. The bags for heroin?

24 A. Yes.

10:24:06AM 25 Q. Were there any stamps or designs or writing on any of the

1 bags?

2 A. Yes.

3 Q. On which type of bags would there be stamps or designs
4 that you remember?

10:24:23AM 5 A. Heroin.

6 Q. Do you recall what any of the designs or stamps were?

7 A. One of the stamps it said blue magic, and a design -- one
8 of the designs was like a gladiator helmet.

9 Q. Now, how did the stamps -- how did the writing blue magic
10:25:00AM 10 get on the bags?

11 A. Whoever was working, we will put it in like with a puncher
12 that you put it in the ink and then you put it in the bag.

13 Q. You would take something and put it in ink and then stamp
14 the bag?

10:25:30AM 15 A. Yes.

16 Q. Who was usually present when you worked the table?

17 A. It was Robert, Roberto; Leitscha; Obed; Victor; Pistolita;
18 Javi's brother-in-law; those that I remember right now.

19 Q. You said Javi's brother-in-law. Do you remember his name?

10:26:20AM 20 A. Naldi.

21 Q. Naldi?

22 A. N-A-L-D-I.

23 Q. How often would Javi be there when you were working the
24 table at one of these apartments?

10:26:36AM 25 **MR. VACCA:** Objection, Your Honor.

1 **THE COURT:** Overruled.

2 **THE WITNESS:** Most of the time he will go in and he
3 will take the heroin, he will wait -- if it wasn't mixed with
4 anesthesia, he will make the anesthesia, he will mix it with
10:27:13AM 5 the heroin and he will put on the table the grams that they
6 were gonna package, and then he will leave; or if not he will
7 come up to the apartment sometimes to pick up the -- to pick
8 up like the money that they made when they were selling and he
9 will take it.

10:27:47AM 10 **BY MR. MARANGOLA:**

11 Q. You testified earlier about the quantities that you would
12 bag each time. Who decided how much was going to be bagged
13 each time you worked the table?

14 A. Javi.

10:28:00AM 15 Q. Now, when you first started working the table were you
16 also still working as a barber?

17 A. Yes.

18 Q. All right. And over the time that you worked for Javi from
19 May of 2015 until the end of 2016 did you work the table at
10:28:28AM 20 the same place?

21 A. No.

22 Q. Do you recall how many different places that you worked
23 the table during the time that you worked packaging drugs for
24 Javi?

10:28:42AM 25 A. Yes.

1 Q. How many places do you think?

2 A. At the hospital apartment; and a building on East Main;
3 and Leitscha's apartment; and a Culver apartment.

4 Q. All right. Now, you mentioned 108, that was the first
10:29:16AM 5 apartment I showed you this morning, the picture -- I'm sorry,
6 it was 106. That's the place you refer to as what?

7 A. The hospital apartment.

8 Q. All right. If I can show you now Government's 94. Do you
9 recognize what's shown in Government's 94?

10:29:46AM 10 A. Yes.

11 Q. What is that?

12 A. East Main building.

13 Q. What do you recognize -- first of all, which building in
14 Government's 94 do you recognize? If you touch it on your
10:30:03AM 15 screen it will leave a mark for us. You've circled the large
16 building in the center of that photograph; is that correct?

17 A. Yes.

18 Q. What do you recognize that building to be?

19 A. The apartment where we used to package on East Main.

10:30:26AM 20 Q. Do you remember any particular name or word that you
21 referred to that apartment as?

22 A. The East Main building or the castle.

23 Q. All right. I'm going to show you Government's 95. If you
24 can clear your mark there on the screen? Actually, before we

10:31:04AM 25 go to 95, let me show you Government's 90 . Do you recognize

1 what's shown in Government's 90?

2 A. Yes.

3 Q. What do you recognize in Government's 90?

4 A. The building where Leitscha has her apartment where we
10:31:27AM 5 used to package drugs.

6 Q. You packaged drugs in an apartment shown in Government's
7 90?

8 A. Yes.

9 Q. And that was during the time that you worked for Javi?

10:31:39AM 10 A. Yes.

11 Q. All right. If we can go to 95? Do you recognize any of
12 the buildings in 95?

13 A. Yes.

14 Q. Which building do you recognize in 95? You've circled the
10:32:03AM 15 large brick building in the center of that photograph; is that
16 right?

17 A. Yes.

18 Q. What do you recognize that building to be?

19 A. The building on Culver where we used to package drugs.

10:32:19AM 20 Q. You went to an apartment inside that building to package
21 drugs?

22 A. Yes.

23 Q. Was that during the time you worked for Javi?

24 A. Yes.

10:32:29AM 25 Q. Do you recall what was -- of the locations that you've

1 just identified as places where you worked the table, do you
2 recall which was the last place that you were working the
3 table at?

4 A. You asked me -- you're asking me the last time?

10:32:52AM 5 Q. No, not the last time. Which was the last location?

6 A. The building on Culver.

7 Q. That's the one shown on 95 on your screen?

8 A. Yes.

9 Q. I'm going to ask you if you recognize -- I'd like to show
10:33:17AM 10 you Government's 43. You can clear your mark. Do you
11 recognize the person shown in Government's 43?

12 A. Yes.

13 Q. Who is that?

14 A. We used to call him the land door for East Main.

10:33:42AM 15 Q. The landlord?

16 A. Land door.

17 Q. Land door?

18 A. Yes.

19 Q. For East Main?

10:33:53AM 20 A. Yes.

21 Q. What do you mean?

22 A. We used to call him East Main because -- because he was
23 the land door of the building on East Main and the building on
24 Culver also.

10:34:13AM 25 Q. The two buildings that we just showed you?

1 A. Yes.

2 Q. Do you know his name?

3 A. No.

4 Q. Did you ever deal with this person?

10:34:30AM 5 A. Like I don't understand the question.

6 Q. Did you ever have contact with this person?

7 A. Yes.

8 Q. Describe your contact with this person.

9 A. I went to his house one time that they were doing like a
10 picnic and we were going in the pool at his house in Chili.

11 Q. Who was there?

12 A. Javi, Karina, myself, Javi's son Justin, Javier's wife
13 Nishy, and nobody else.

14 Q. You testified that the locations where you worked the
10:35:29AM 15 table changed. Can you tell us why they changed?

16 A. Javier is the one that will say that we were gonna move.

17 Q. Now, did you get a key to each of these apartments that
18 you worked the table at?

19 A. No.

10:35:51AM 20 Q. When you would go into one of these apartments, can you
21 describe what you'd see?

22 A. Drugs, heroin, cocaine; the bags, like the bags that you
23 use for the airport, like luggage; and inside there was the
24 blenders where they will put the pieces -- if they will break
10:36:36AM 25 a piece of a kilo, they will put it there and they will shake

1 it to turn it into a powder; the spoons; a little purse with
2 the spoons; firearms; the containers of anesthesia.

3 Q. What were the drugs kept in in these apartments?

4 A. Most of the time in a closet.

10:37:12AM 5 Q. Were they just like loose powder on the floor in a closet?

6 A. No.

7 Q. What would they be in?

8 A. In a bag.

9 Q. Would the bags be in anything?

10:37:27AM 10 A. Inside a bag.

11 Q. All right. You said there were guns in these apartments.

12 Can you describe the guns?

13 A. Yes. There was AR-15.

14 Q. An AR-15?

10:37:49AM 15 A. Yes.

16 Q. Go ahead.

17 A. Three AKs; a rifle, 9 millimeter; a .40; a .44; a Ruger
18 pistol, small one; and a .40 XD; and two Uzis.

19 Q. How do you know the names and calibers of these weapons so
10:38:24AM 20 well?

21 A. Because the way they look and some of them Javi will say
22 what it was.

23 Q. All right. What did you use while you were working --

24 while you were bagging the drugs at the table, did you have

10:38:55AM 25 anything on your hands?

1 A. Yes, sometimes we will use gloves and the little spoon,
2 very small.

3 Q. When you say very small, describe the size of that little
4 spoon.

10:39:22AM 5 A. Like smaller than the tip of my finger.

6 Q. All right. What did you do with the table after the drugs
7 had been bagged?

8 A. Can you repeat the question?

9 Q. Well, if all the powder had been put in the bags, was
10:39:48AM 10 there anything left on the table?

11 A. No.

12 Q. Would you clean the table?

13 A. Yes.

14 Q. What did you use to clean the table?

10:40:01AM 15 A. A napkin and alcohol.

16 Q. All right. If I can show you first Government's 614. Do
17 you recognize anything shown in Government's 614?

18 A. Yes.

19 Q. What do you recognize in Government's 614?

10:40:32AM 20 A. The rifle AK-47, and the rifle R-15, and the rifle
21 9 millimeter.

22 Q. Where do you recognize those weapons that are shown in
23 Government's 614 from?

24 A. From the Culver apartment that I saw them.

10:41:00AM 25 Q. Can you touch your screen and show us which weapon is

1 which that you recognize? For the record you've circled the
2 one toward the bottom of that bag showing some -- some wood in
3 the photograph as part of the weapon?

4 A. Yes.

10:41:27AM 5 Q. What weapon is that that you recognize?

6 A. AK-47.

7 Q. All right. What's the next weapon? You've made a mark for
8 the weapon immediately above the one you just previously
9 identified as an AK-47. What do you recognize that weapon to
10 be?

10:41:54AM

11 A. AR-15.

12 Q. And any other weapons in this photograph you recognize?
13 And you've circled the weapon at the top of the bag above the
14 mark you just made; is that correct?

10:42:13AM

15 A. Yes.

16 Q. What do you recognize that weapon to be?

17 A. The 9 millimeter rifle.

18 Q. We can show you Government's 598. All right, I'll
19 withdraw that.

10:42:54AM

20 Show you Government's 612. If you can clear your
21 mark on your screen there? What -- do you see anything in
22 Government's 612 that you recognize?

23 A. Yes.

24 Q. What do you see in Government's 612 that you recognize?

10:43:18AM

25 A. The luggage, like the ones that you use for the airport.

1 Q. What do you recognize the luggage from?

2 A. I seen it in the Culver apartment.

3 Q. What else do you recognize in the photo?

4 A. The blender that they use.

10:43:47AM 5 Q. You just circled -- after circling on the bottom portion
6 of the photograph, you just circled about in the center of the
7 photograph a silver item; is that correct?

8 A. Yes.

9 Q. Where do you recognize that silver item from that you
10 circled?

11 A. In the apartments where -- where we used to package drug.

12 Q. What is the item that you circled?

13 A. That was the blender that they use for -- when they were
14 breaking a piece of the kilo, they will put it inside and they
10:44:29AM 15 will make it into a powder or when they were mixing the heroin
16 with the anesthesia they will put it in there together and
17 they will mix it.

18 Q. You said they. Who did you see doing all those things
19 that you just described?

10:44:49AM 20 A. Javi.

21 Q. Did you see anyone else doing those things that you
22 described with the blender and the mixing?

23 A. No.

24 Q. All right. If you can clear your marks? With respect to
10:45:16AM 25 crack, crack cocaine, did you ever see anyone cook crack

1 cocaine at any of these apartments?

2 A. Yes.

3 Q. Who?

4 A. Javi.

10:45:29AM 5 Q. Did you see anyone other than Javi cook crack cocaine?

6 A. No.

7 Q. Can you tell us what you saw Javi do when he cooked crack
8 cocaine?

9 A. You're asking me where?

10:45:46AM 10 Q. No, what? What he did.

11 A. He will take a glass bowl like straight up like this, and
12 he will put cocaine, he will put baking soda and he will put
13 Albuterol -- that's like when people have asthma, they're like
14 the drops that you put in the machine.

10:46:33AM 15 And then he will put water and he will put it on
16 the fire, he will move it like this and with a spoon, a metal
17 spoon that is like thin at the end, he will mix it.

18 And when it was -- and when it was like
19 evaporating, almost drying, like getting together like mixing,
10:47:11AM 20 then he will open the cold water and he will put a little bit
21 of cold water.

22 Q. What would happen after that?

23 A. He will leave it there for a few minutes and it will dry
24 all and it will turn into a cookie. And then with a napkin he
10:47:40AM 25 will remove the little bit of water that was left and he will

1 take that cookie out and he will leave it over the napkin
2 until it finished drying completely.

3 Q. Describe -- you said it looked like a cookie?

4 A. Yes.

10:48:01AM 5 Q. Was it a powdery substance when it was done the crack
6 cocaine?

7 A. No.

8 Q. Describe what it was like.

9 A. Hard like in the form of a cookie.

10:48:20AM 10 Q. Now, did you know how to cook crack cocaine yourself?

11 A. Now, yes.

12 Q. When you say now, what do you mean?

13 A. Because I learned. Javi taught me.

14 Q. How much cocaine did Javi start with when he cooked
10:48:43AM 15 cocaine into crack cocaine?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled. If he knows.

18 **THE WITNESS:** A 31 of cocaine.

19 **BY MR. MARANGOLA:**

10:49:00AM 20 Q. After the crack was in the cookie form, what was done with
21 it?

22 A. He will break it in small pieces and he will put it inside
23 the capsules and then they will sell it.

24 Q. Who would break the crack cocaine into small quantities?

10:49:32AM 25 A. Javi.

1 Q. How did he do it?

2 A. With a blade.

3 Q. Was Javi the only one that would break the cookie with the
4 razor blade?

10:49:48AM 5 A. Yes.

6 Q. Who would bag the little pieces of crack cocaine after
7 Javi broke it off with the razor blade?

8 A. Himself.

9 Q. Can you tell us about how many times you saw Javi cook
10:50:12AM 10 crack cocaine?

11 A. Like -- I'm gonna say like five times or six times. I'm
12 not 100% for sure how many times.

13 Q. All right. Were there occasions where you saw cookies of
14 crack cocaine in these apartments when Javi had not been
10:50:39AM 15 cooking right there that day?

16 A. You're asking me if I saw cookies when he wasn't -- when
17 he wasn't cooking them?

18 Q. Yes.

19 A. Yes.

10:50:54AM 20 Q. How many times have you seen cookies of crack cocaine when
21 Javi wasn't there cooking?

22 A. Like six or seven times.

23 Q. And do you know what those cookies weighed?

24 A. No.

10:51:15AM 25 Q. Do you know how much the bags of -- the small bags of

1 cocaine would be sold for?

2 A. Yes.

3 Q. How much?

4 A. \$5.

10:51:33AM 5 Q. The crack cocaine were \$5?

6 A. No.

7 Q. What was \$5?

8 A. Of cocaine, only cocaine.

9 Q. How much would the bags of crack cocaine be sold for?

10:51:53AM 10 A. 10.

11 Q. All right. You described -- or mentioned earlier Javi
12 mixing heroin?

13 A. Yes.

14 Q. Tell us what you saw Javi do when he mixed heroin.

10:52:17AM 15 A. He will take the little containers of anesthesia first and
16 with a screwdriver he will remove the metal cover and like a
17 glass mold, he will put something that it was -- that it was
18 square, very light, but it looked like it was -- it was like a
19 square of sugar, and he will put the anesthesia on top of that
10:53:03AM 20 and he will put it in the microwave and he will heat it up
21 until it started turning yellow.

22 When it was turning yellow, he will take it out and
23 he will put it on the floor and with a fan he will put the fan
24 to air it so to dry. When it was dry, with a blade he was
10:53:36AM 25 taking it out. And they kept doing that a can at a time in

1 the mold.

2 Q. You said they kept doing that. Who did you see do that?

3 A. I did, Obed did, Javi did.

4 Q. And you're talking about cooking the anesthesia?

10:54:06AM 5 A. Yes.

6 Q. What form -- when you first started with the anesthesia,
7 what did it look like?

8 A. Clear.

9 Q. Clear what?

10:54:18AM 10 A. Like water, liquid like water.

11 Q. When you were done cooking it as you're describing what
12 did it look like?

13 A. It will dry up -- dry like when you -- when you leave
14 toothpaste outside like that, like a piece and it dries up and
10:54:46AM 15 it turns like -- like a peel that it will break apart, like
16 that.

17 Q. All right. Now, where did this anesthesia come from, these
18 bottles you described?

19 A. It was from a veterinarian.

10:55:04AM 20 Q. How do you know they were from a veterinarian?

21 A. Because Obed told me.

22 Q. What would be done with the anesthesia after it was cooked
23 and dried?

24 A. They will remove it all, they will put it all together --

10:55:29AM 25 Q. Who is they?

1 A. Javi or Obed.

2 Q. Okay.

3 A. And Javi will take it and he will put it in the blender,
4 will turn into powder, he will weigh it, and will take the
10:55:53AM 5 grams that he was gonna mix with heroin.

6 Q. So the anesthesia would get cooked and then it will be put
7 in a blender and turned into powder?

8 A. Yes.

9 Q. And who mixed the powder with heroin?

10:56:16AM 10 A. Javi.

11 Q. Did you do that?

12 A. No.

13 Q. Did Obed do that?

14 A. No.

10:56:22AM 15 Q. Why not?

16 A. Because they didn't know how to do it.

17 Q. Well, can't you just take powder and another powder and
18 dump it together?

19 A. No, because if you know how to mix it -- you don't know
10:56:41AM 20 how much quantity to make, you can make -- you can make that
21 the person die when they use the drug.

22 Q. So did you see the quantity of heroin that Javi mixed with
23 the quantities of anesthesia?

24 A. Yes, sometimes I saw.

10:57:00AM 25 Q. On the occasions that you saw it, what quantities of

1 heroin did he mix with the anesthesia?

2 A. 100 grams of heroin, he will put 70 of anesthesia.

3 Q. He would mix 70 grams of anesthesia with 100 grams of
4 heroin?

10:57:24AM 5 A. Yes.

6 Q. And then -- how did you know it was 100 grams of heroin?

7 A. Because I saw when he will weigh it.

8 Q. What did he weigh it on?

9 A. On a scale.

10:57:41AM 10 Q. Did Javi mix anything else with the heroin in addition to
11 the anesthesia?

12 A. Yes.

13 Q. What did you see him mix with the heroin in addition to
14 the anesthesia?

10:57:55AM 15 A. Sometimes he will -- they will add poly, that I think in
16 English they call it Xanax.

17 Q. Xanax?

18 A. I think in English that's what they call Xanax.

19 Q. So it's a pill?

10:58:16AM 20 A. Yes.

21 Q. All right. What was done with the pills?

22 A. And Percocet also.

23 Q. And Percocet pills?

24 A. Yes.

10:58:26AM 25 Q. What were done with those kinds of pills?

1 A. They will blend it, they will turn into powder, and they
2 will mix it to make like a cut, and put the heroin stronger.

3 Q. Now, who would blend the pills?

4 A. Javi.

10:58:51AM 5 Q. Did you ever blend pills?

6 A. No.

7 Q. Did you see anyone else blending pills?

8 A. No.

9 Q. When the pills are blended what do they look like
10 afterward?

11 A. Like powder.

12 Q. In addition to the anesthesia and the pills, do you recall
13 Javi mixing anything else with the heroin?

14 A. Not that I remember.

10:59:34AM 15 Q. All right. Mr. Camacho, did you use heroin or cocaine or
16 crack cocaine?

17 A. No.

18 Q. Did you use any drugs?

19 A. Yes.

10:59:44AM 20 Q. What drugs did you use?

21 A. Marijuana.

22 Q. All right. Now, you said that Javi was the only one that
23 mixed the heroin with the cut; is that correct?

24 A. Yes.

11:00:00AM 25 Q. What about the guns? Did everyone have access to the guns

1 or just Javi?

2 A. No. Javi and Tapon will keep one pistol at his house.

3 Q. How did you know there were guns in the apartment?

4 A. Because I seen it when they will take them out.

11:00:35AM 5 Q. When you say they, tell the jury who you saw take the guns
6 out while you were in the apartment.

7 A. Javi.

8 Q. Tell us what you saw Javi do with the guns when he took
9 them out in the apartment.

11:00:51AM 10 A. One time took them out and they put it over a table.

11 Q. Did you say they or he?

12 A. Him.

13 Q. What did you see Javi do?

14 A. He took them out and put it all on top of a table and he
11:01:14AM 15 was taking the R-15 and he was moving the part that you -- you
16 make the bullet to go up like to get it ready to fire, and he
17 was saying that -- that R-15 was new, but it was missing a
18 part from the back, that that's why it wasn't working.

19 And he took the AK-47, the one that has the wood,
11:01:56AM 20 and he put the magazine and he moved the part that you make
21 that -- to be ready to fire, and he moved it various time to
22 check if it was good.

23 And every time he will move it back and forth, the
24 bullets will come out and he will say that that was new.

11:02:30AM 25 Q. When you say the bullets come out, you're not talking

1 about firing the gun?

2 A. No.

3 Q. He's moving a part, not the trigger? He's not squeezing
4 the trigger?

11:02:44AM 5 A. No.

6 Q. He's moving a part on top of the gun?

7 A. Yes.

8 Q. Now, you said you saw the bullets come out. Did you also
9 see quantities of ammunition in the apartments where you

11:03:00AM 10 worked the table?

11 A. Yes.

12 Q. Now, Mr. Camacho, in addition to the people that you've
13 identified as working for Javi, did you ever -- were you

14 familiar with any of the individuals that Javi sold larger

11:03:23AM 15 quantities of drugs to?

16 A. I think like two person.

17 Q. Do you remember any of the names -- when I say larger, I
18 mean more than a \$5 bag of cocaine?

19 A. Yes.

11:03:48AM 20 Q. Do you remember any of the names or nicknames of those
21 individuals?

22 A. Noel.

23 Q. Noel?

24 A. Yes.

11:03:59AM 25 Q. Let me show you what's in evidence as Government's 56. Do

1 you recognize the person shown in Government's 56?

2 A. Yes.

3 Q. Who is the individual shown in Government's 56?

4 A. Noel.

11:04:26AM 5 Q. Do you know his last name?

6 A. No.

7 Q. How do you recognize the person in Government's 56 as
8 Noel?

9 A. Because he used to get hair cuts at the barber shop and I
11:04:46AM 10 saw him go to Burbank once when he -- he had -- because he had
11 like a white BM, white.

12 Q. A white BMW you're talking about?

13 A. Yes.

14 Q. You saw him where on Burbank with a white BMW?

11:05:10AM 15 A. At Javi's house.

16 Q. And how do you know this was one of the individuals that
17 was getting larger quantities of cocaine from Javi?

18 A. Because that time that I saw him he went to Javi's house
19 to buy a half a kilo of cocaine and Javi told him no, and I
11:05:42AM 20 asked him what happened and he told me that he used to sell
21 him before, but now he was hanging out with some people that
22 they weren't good.

23 Q. Who said he used to sell to him before?

24 A. Javi.

11:06:11AM 25 **THE COURT:** I think this is a good time for a break.

1 **MR. MARANGOLA:** Thank you, Judge.

2 **THE COURT:** Ladies and gentlemen, at this time we'll
3 take a recess. In the meantime, I'd ask you not discuss the
4 matter or allow anybody to discuss the matter with you. Jury
11:06:18AM 5 may step down.

6 (WHEREUPON, there was a pause in the proceeding).

7 (WHEREUPON, the defendant is present).

8 **MR. VACCA:** Judge, can we have a sidebar?

9 (WHEREUPON, a discussion was held at side bar out
11:41:04AM 10 of the hearing of the jury.)

11 **THE COURT:** Go ahead, Mr. Vacca.

12 **MR. VACCA:** On the break the interpreter and the
13 defendant and myself were -- so we met, the interpreter,
14 Mr. Figueroa and myself and Mr. Figueroa has some concerns
11:41:41AM 15 about the interpretations.

16 **THE COURT:** Whose interpretation?

17 **MR. VACCA:** Ms. Soto.

18 **THE COURT:** Okay.

19 **MR. VACCA:** He indicates that the witness on some
11:41:52AM 20 occasions has said one thing and he feels that it's being
21 interpreted another way by Ms. Soto, particularly --
22 apparently a word called *perico*, which I guess means parakeet
23 or whatever, but a witness was talking about *perico*, which is
24 parakeet and Ms. Soto was interpreting it as cocaine.

11:42:14AM 25 I'm not -- I can't speak Spanish, but it's a

1 concern my client has.

2 **THE COURT:** Okay, how about this? Let Mr. Marangola
3 ask about the word. What is it?

4 **MR. VACCA:** *Perico*.

11:42:28AM 5 **THE COURT:** If he's talking about a parakeet here,
6 that's Mr. Figueroa's argument?

7 **MR. VACCA:** That's Mr. Figueroa's argument.

8 **THE COURT:** I think he's got bigger things to worry
9 about --

11:42:37AM 10 **MR. VACCA:** I understand, Judge. He asked me just
11 to convey that to the Court.

12 **THE COURT:** That's fine. Mr. Marangola, can you
13 clear that up?

14 **MR. MARANGOLA:** I'll ask.

11:42:46AM 15 **THE COURT:** Make sure he's not talking about
16 parakeets here.

17 **MR. MARANGOLA:** I will ask.

18 **THE COURT:** Okay, great. Thank you.

19 (WHEREUPON, side bar discussion concluded.)

11:44:18AM 20 (WHEREUPON, the jury is present).

21 **THE COURT:** You may continue.

22 **MR. MARANGOLA:** Thank you, Your Honor.

23 **BY MR. MARANGOLA:**

24 Q. Mr. Aponte Camacho, a few minutes ago before we took our
11:45:47AM 25 recess you mentioned -- you identified an individual named

1 Noel who had come to Javi's house to purchase a half kilo of
2 cocaine. Do you recall that?

3 A. Yes.

4 Q. By the way, when you say -- what's the Spanish word that
11:46:06AM 5 you're using for cocaine?

6 A. *Perico*.

7 Q. Okay. And when you say the word *perico*, are you referring
8 to a parakeet or cocaine?

9 A. Cocaine.

11:46:21AM 10 Q. Have you heard Ms. Soto translate for you when you said
11 the word *perico*?

12 A. Yes.

13 Q. And have you heard her say the word cocaine?

14 A. Yes.

11:46:36AM 15 Q. And is that what you meant when you said the word *perico*
16 in your testimony in this trial?

17 A. Yes.

18 Q. Mr. Aponte Camacho, you testified about working the table
19 two to three days a week; is that right?

11:47:01AM 20 A. Yes.

21 Q. And bagging thousands of bags of drugs?

22 A. Yes.

23 Q. Did you ever get sick of working the table?

24 A. Yes.

11:47:14AM 25 Q. Did you ever refuse to work the table when you were

1 called?

2 A. Yes.

3 Q. Can you tell us about that?

4 A. Obed called me when I was gonna go in the shower and he
11:47:36AM 5 told me that we have to go to work, and I just recently came
6 out of the barber shop and I told him that today I couldn't,
7 and he told me okay, so call him and you tell him.

8 And I ask him if he was there with them --

9 Q. When you say him and he, can you tell us who you're
11:48:03AM 10 referring to? You said Obed said for you to call him?

11 A. Javi.

12 Q. Obed said for you to call Javi?

13 A. Yes.

14 Q. All right. Go ahead, continue.

11:48:20AM 15 A. And I told him that if he was there with him --

16 Q. Who is the he and him?

17 A. If he was there with him, him is Obed.

18 Q. All right. Just use their names instead of he or him.

19 How's that?

11:48:48AM 20 A. I asked Obed if Obed was with Javier there. And he said
21 yes. And I told him tell him that I'm not gonna go to work.

22 Q. What happened after that?

23 A. Oh, he tell me hey, damn, you're crazy, and he hang up.

24 Q. Obed said that?

11:49:18AM 25 A. Yes.

1 Q. Did you work the table after that?

2 A. Yes, but I was without working like -- like two or three
3 weeks, like two weeks.

4 Q. Two -- two weeks after that call that you just described
11:49:46AM 5 with Obed?

6 A. Yes.

7 Q. What happened after two weeks after that call?

8 A. They stopped calling me. Obed stopped calling me.

9 Q. And what happened?

11:50:04AM 10 A. And I asked him if they were still working and he said
11 yes. But that they were not calling me because Javi was mad
12 at me because I refused to work.

13 Q. After Obed told you that did you try to work things out?

14 A. No.

11:50:33AM 15 Q. Did you ever work the table again?

16 A. Yes.

17 Q. How did it come about that you worked the table again?

18 A. I went up to give Javi a hair cut in Leitscha's apartment
19 and they were already working and he told me, son, I haven't
11:51:03AM 20 called you anymore because you're being lazy and you don't
21 want to work.

22 Q. What did you say?

23 A. I will say that -- that sometimes I will get out of the
24 barber shop tired, especially Friday and Saturdays, that it
11:51:29AM 25 was a day that I will give more hair cuts and to get out of

1 the barber shop late at night already tired, night working
2 packaging, that it was hard.

3 Q. What was Javi's response to you telling him that it was
4 hard?

11:51:49AM 5 A. That it was okay, that I was gonna work today, but not to
6 be lazy anymore.

7 Q. Did you return to working the table after that?

8 A. Yes.

9 Q. During the time you worked for Javi I think you testified
11:52:09AM 10 yesterday there were certain individuals that were arrested by
11 the police?

12 A. Yes.

13 Q. Who were some of those individuals?

14 A. Obed; Yankee; and Pistolita.

11:52:27AM 15 Q. Was there ever any discussion with any members of the
16 group about whether Javi -- about what Javi would do if you
17 were arrested?

18 **MR. VACCA:** Objection, Your Honor, speculative.

19 **THE COURT:** Sustained to the form of the question.

11:52:45AM 20 **BY MR. MARANGOLA:**

21 Q. Did you and other members of the group ever discuss
22 whether or not Javi would do anything for you if you were
23 arrested?

24 **MR. VACCA:** Objection, Your Honor.

11:52:55AM 25 **THE COURT:** Overruled. He's talking about members

1 of the group.

2 **THE WITNESS:** Can you repeat the question again?

3 **BY MR. MARANGOLA:**

4 Q. Yes. Did you or other members of the group ever have
11:53:09AM 5 conversation whether Javi would do anything for you if you
6 were arrested?

7 A. Yes.

8 Q. Can you tell us about those discussions?

9 **MR. VACCA:** Objection, Your Honor.

10 **THE COURT:** Overruled. Go ahead.
11:53:18AM

11 **THE WITNESS:** That Javi was going to pay for the
12 attorney and if we had a bail, Javi was gonna pay for the
13 bail.

14 I talked to Obed about that and one time Nishy's
11:53:42AM 15 brother, he was arrested at Burbank and he was in jail. And
16 when he got out, I was in front of Javi's house with Javi and
17 when I saw him, that he got out of the car, Nishy's brother, I
18 say, God, look, Naldi is out.

19 And he said yes, yes, I don't leave anybody behind.

11:54:20AM 20 **BY MR. MARANGOLA:**

21 Q. Who said I don't leave anybody behind?

22 A. Javi. But that he left him a few weeks so that he can get
23 clean.

24 Q. Who?

11:54:31AM 25 A. Because he used heroin.

1 Q. Who left who for a few weeks?

2 A. Javi left Naldi like in prison, in the jail a few weeks so
3 that he can get clean because he used heroin.

4 Q. All right. Did your involvement in working for Javi at
11:54:55AM 5 some point change from just working the table packaging drugs
6 for sale?

7 A. Yes.

8 Q. Can you describe how your involvement changed?

9 A. I was selling.

11:55:13AM 10 Q. You started selling drugs yourself?

11 A. Yes.

12 Q. Do you recall approximately when it was that you first
13 started selling drugs?

14 A. I think it was at the beginning of 2016.

11:55:30AM 15 Q. Where did you get the drugs that you were selling?

16 A. From Javier.

17 Q. What was the area that you first started selling yourself?

18 A. In a street called LaForce.

19 Q. Showing you what's marked Government's 82. Do you
11:56:02AM 20 recognize what's shown in that photograph?

21 A. Yes.

22 Q. What's shown in Government's 82?

23 A. The house where I used to sell drugs at LaForce.

24 Q. How did it come about that you started selling drugs on
11:56:17AM 25 LaForce?

1 A. Because there were barely any workers and we started
2 working, Obed and I, 24 hours from 6 a.m. a day to 6 a.m. the
3 next day.

4 Q. How did it start? How did you start selling over on
11:56:46AM 5 LaForce Street?

6 A. I don't understand what you're trying to ask me.

7 Q. Well, did you just take bags from working the table and
8 walk down to LaForce Street and decide you were going to sell
9 them for yourself?

11:57:03AM 10 A. No, Javi sent Obed and I to sell. But we were still
11 working at the table.

12 Q. And when you say Javi sent you and Obed where to sell,
13 where did Javi send you?

14 A. To LaForce.

11:57:21AM 15 Q. Did he send you to a particular area on LaForce?

16 A. Yes, a house that he rented.

17 Q. How did you know which was the house to go to?

18 A. Because he told us.

19 Q. Do you see the house that he told you on LaForce in this
11:57:42AM 20 photo marked Government's 82?

21 A. Yes.

22 Q. For the record you circled the house in the center?

23 A. Yes.

24 Q. And in the middle of your circle are the numbers 16 on
11:57:57AM 25 that house; is that right?

1 A. Yes.

2 Q. All right. If you can clear your mark there? Can you tell
3 us after Javi sent you and Obed to sell at 16 LaForce, how did
4 it work? How did the selling that you did there work?

11:58:25AM 5 A. This window in the front, we will put two chairs facing
6 each other so I will look at the cars that will come from this
7 side of the street and the other one will see the other cars
8 that were coming from the other side of the street.

9 Q. So the chairs you're talking about would be inside the
11:58:54AM 10 house?

11 A. Yes.

12 Q. And you would be facing each other?

13 A. Yes.

14 Q. For the record you've made marks on the side of the
11:59:06AM 15 photograph and you circled the window to the right of the
16 house marked No. 16; is that correct?

17 A. Yes.

18 Q. How did you decide to sit in chairs facing opposite
19 direction to watch for cars coming down the street?

11:59:32AM 20 A. So each of us will be paying attention for when the police
21 will come in.

22 Q. All right. Tell us how you would actually sell the drugs
23 when you were at that house, 16 LaForce.

24 A. When the customer will come, we will go to the back window
11:59:52AM 25 and we will take care of them in the back window; or if not,

1 behind the house.

2 Q. When you say take care of them, what do you mean?

3 A. We will sell to them --

4 Q. And --

12:00:08PM 5 A. -- heroin, cocaine or crack.

6 Q. -- when you would sell heroin, cocaine or crack, what
7 would you -- they would give you money for it?

8 A. Yes.

9 Q. How much did you sell the different bags for?

12:00:25PM 10 A. The heroin bags \$5; and the bags of cocaine \$5; and the
11 capsules of crack \$10.

12 Q. Where would you get the drugs from that you were
13 selling -- those bags of or capsules, whether it was the
14 heroin, cocaine or crack?

12:00:51PM 15 A. Can you repeat the question?

16 Q. Sure. Where did you get the drugs that you sold at 16
17 LaForce from?

18 A. From Javi from the drug that was saved at the apartments.

19 Q. Would Javi hand you packages of drugs to sell at LaForce?

12:01:07PM 20 A. No.

21 Q. Who would hand you the packages of drugs to sell at
22 LaForce?

23 A. At the beginning it was Robert, and after it was Tapon.

24 Q. And would you sell there by yourself or with another
12:01:30PM 25 individual each time you sold?

1 A. Always with another individual.

2 Q. And how long would you sell for at the house on LaForce at
3 a time?

4 A. Can you repeat the question?

12:01:47PM 5 Q. How long would you sell at a time when you went to sell at
6 16 LaForce?

7 A. I don't understand what you say at the time.

8 Q. When you were selling at this house No. 16, would you sell
9 for one hour at a time or six hours at a time?

12:02:09PM 10 A. No, from 6 a.m. at day until 6 a.m. the next day; 24
11 hours.

12 Q. You would sell continuously for 24 hours?

13 A. I will sell for 24 hours, we will take a break for two
14 days, and then we will come back again.

12:02:33PM 15 Q. So you worked one out of every three days?

16 A. Yes, at the beginning it was like that, but after there
17 wasn't a lot of workers and we were working 24 hours, one day
18 of rest, and we will go back and work again.

19 Q. So after a while you moved to every other day you were
12:03:02PM 20 working for 24 hours?

21 A. Yes.

22 Q. Who were the -- some of the workers that sold heroin,
23 cocaine and crack at 16 LaForce?

24 A. Obed, Victor, Tapon, Gargola and myself.

12:03:27PM 25 Q. Was the heroin, cocaine and crack that you sold at LaForce

1 packaged in the same way you had described as when you worked
2 the table?

3 A. You're asking me if it was packed the same way?

4 Q. Yes.

12:03:54PM 5 A. Yes.

6 Q. What would you do when you started to run low on the bags
7 of drugs you were selling?

8 A. I will call the runner, that was the one that will bring
9 you more drug when we were running out, the one that was in
10 charge of doing that.

11 Q. Who was the runner for LaForce?

12 A. At the beginning it was Robert, and then it was Tapon.

13 Q. For most of the time that you sold there who was the
14 runner?

12:04:31PM 15 A. Tapon.

16 Q. Now, you testified earlier about being paid to work the
17 table. Were you paid to sell drugs at 16 LaForce?

18 A. Yes.

19 Q. How were you paid?

12:04:47PM 20 A. It was a dollar for each bag of drugs and cocaine.

21 Q. A dollar for each bag of what?

22 A. Of heroin and cocaine, and for crack \$2. And that Obed
23 and I will -- will split it half and half of whatever we sell.

24 Q. So in a typical 24-hour shift selling bags of heroin,
12:05:21PM 25 cocaine and crack at LaForce, how much would you make?

1 A. We could make 600 each of us. So 1200. Or 700 a good day
2 each of us.

3 Q. So if -- say each of you made 700, that meant combined you
4 would have 1400 between the two of you?

12:05:58PM 5 A. Yes.

6 Q. And if you were being paid a dollar per bag, that would
7 mean you would have sold -- if it was just one dollar per bag,
8 approximately 1400 bags of heroin or cocaine?

9 A. Yes.

12:06:15PM 10 Q. But now you said that crack cocaine would sell for \$2?

11 A. Yeah, the crack was for \$2.

12 Q. Did you sell more heroin or crack cocaine?

13 A. Heroin.

14 Q. Did there come a time when you stopped working at the
12:06:40PM 15 barber shop?

16 A. Yes.

17 Q. Do you remember about when that was?

18 A. In 2016. It was two times that I stopped working at the
19 barber shop. One time I got in a fight with -- with the owner
12:07:09PM 20 of the barber shop; and then I came back to the barber shop
21 and after I left because I was making more money in the
22 street. So the first time it was in 2015, and the second time
23 was in 2016.

24 Q. When you said you were making more money in the street,
12:07:39PM 25 what did you mean that you were making more money doing what?

1 A. Working the table and selling drugs at LaForce.

2 Q. Than cutting hair?

3 A. Yes.

4 Q. Can you describe the street, LaForce Street, after you had
12:08:01PM 5 been selling in the area of the house at No. 16? Describe the
6 street LaForce, what that area looked like after you guys had
7 been selling at No. 16 for a while.

8 A. You see a lot of people coming in and out, the addict,
9 that they were buying heroin, cocaine and crack. And you will
12:08:29PM 10 see a lot of police movement driving through the street.

11 Q. Did you see a lot of police cars on the street?

12 A. Yes.

13 Q. Did you continue to sell at LaForce despite there being
14 more police activity on LaForce?

12:08:56PM 15 A. Yeah, we were there for a time more selling, but not
16 inside the house.

17 Q. Why did you continue to sell in that area if there was
18 more police in that area?

19 A. Because we couldn't sell whatever we wanted to. Javier,
12:09:20PM 20 he said that that's what we had to sell, Javi.

21 Q. Did you discuss what to do about the police being in the
22 area?

23 A. Can you repeat the question?

24 Q. Well, did you ever talk about whether you should move the
12:09:37PM 25 selling from LaForce because there was more police in the

1 area?

2 A. One time after Obed got arrested.

3 Q. Before Obed got arrested were you still selling at 16
4 LaForce?

12:10:01PM 5 A. Not inside the house.

6 Q. How did things change?

7 A. We sell in the street and the drug, we will save it,
8 sometime we will save it in an empty lot that it was like --
9 there was like a tree trunk on the ground and we put it like
10 under the trunk; or if not sometimes we will lift the -- I
11 don't know how you say that word. It's what I mark in the
12 screen, that border like on the side of the house.

13 Q. Hold on. Clear the mark on your screen and then tell us
14 what you're talking about. Describe the area that you're
15 talking about that you used to keep drugs while you were
16 selling in the street on LaForce.

17 A. It's that wall of the house, you will lift that and
18 through there we will put the drug, but not in the front side.
19 On the back like around here.

12:11:41PM 20 Q. All right. And for the record you made marks on the front
21 of 16 LaForce below and to the right side of the window on the
22 right side of the house; is that right?

23 A. Yes.

24 Q. And you also made some marks on the right side of the
12:11:57PM 25 house?

1 A. Yes.

2 Q. Would you lift up the outside of the house, like the
3 exterior, the siding?

4 A. Yes.

12:12:10PM 5 Q. And what would you put in there?

6 A. The packages of heroin, cocaine and crack.

7 Q. Why would you put them in there?

8 A. So that I didn't have it on myself because the police was
9 always driving a lot and we didn't -- and we didn't want them
10 to stop and they will check us and they can catch us with that
11 inside us.

12 Q. What would you do when a customer came to buy drugs from
13 you?

14 A. If a client will come, we will stop them -- not in front
12:12:56PM 15 of us, and we will ask him what he wanted and whatever drug
16 that he wanted I will go or Obed will go, one will stay with
17 the customer, and one will go and get the drug that he wanted
18 and we will bring it back.

19 Q. Did you ever discuss what would happen if you were caught
12:13:23PM 20 with drugs?

21 A. Like -- like if we --

22 Q. Like if you got grabbed by a police officer or arrested
23 with drugs, would you have to pay the drugs back?

24 A. No.

12:13:44PM 25 Q. Pay for the money for the drugs that had been taken by the

1 police?

2 A. No.

3 Q. Why not?

4 A. Because Javi will say that if the police catch you or the
12:14:01PM 5 police will chase you and you get rid of the drugs, so that
6 was a loss.

7 Q. You didn't have to pay for it?

8 A. No.

9 Q. You mentioned a time that Obed got arrested.

12:14:25PM 10 A. Yes.

11 Q. Do you remember approximately when that was?

12 A. In 2016, but I don't remember exactly when.

13 Q. All right. Do you remember where?

14 A. Yes.

12:14:40PM 15 Q. Where did he get arrested?

16 A. At LaForce in a -- where the empty lot was where I told
17 you that the trunk of the tree on the floor.

18 Q. What do you mean by trunk of the tree on the floor?

19 A. Like the tree, the trunk of the tree that was on the
12:15:14PM 20 floor.

21 Q. A trunk of a tree had fallen over?

22 A. Yes. Yeah, it was on the ground.

23 Q. On the ground?

24 A. Yes.

12:15:25PM 25 Q. Okay. By the way, do you know anyone else or do you know

1 anyone that lived on LaForce?

2 A. Tapon.

3 Q. Where did Tapon live?

4 A. He lived after the white house where we used to sell.

12:15:49PM 5 Q. All right. If you clear your marks and tell us where in
6 relation to No. 16 Tapon's house was.

7 A. It was after this house.

8 Q. When you say after, which direction?

9 A. To the left.

12:16:09PM 10 Q. All right. You've made a mark on the house that's white on
11 the far left of Government's 82; is that right?

12 A. Yes.

13 Q. And Tapon's house was after that white house to the left?

14 A. Yes.

12:16:25PM 15 Q. How many houses away from the white house that you marked?

16 A. Next to it, it was one, two houses.

17 Q. Now, after Obed got arrested on LaForce, did Javi do
18 anything to help him?

19 A. Yes.

12:16:53PM 20 Q. What did Javi do to help him?

21 A. He paid the bail and he paid certain amount for the
22 attorney.

23 Q. How do you know that?

24 A. Because Obed told me and Javi also told me.

12:17:12PM 25 Q. Do you know how long you had been selling at LaForce

1 before Obed was arrested on LaForce?

2 A. Maybe six months, I'm not sure. I'm not 100% sure.

3 Q. Okay. Did you continue to sell on LaForce after Obed was
4 arrested there?

12:17:43PM 5 A. No.

6 Q. Why not?

7 A. Because it was already very hot, because the police was
8 there all the time.

9 Q. So what happened with the selling at LaForce after Obed
10 was arrested?

11 A. Javi send us to go to Burbank.

12 Q. Who did Javi send to go to Burbank?

13 A. All the workers.

14 Q. When you say all the workers, who are you referring to?

12:18:22PM 15 A. Tapon, Obed, Victor.

16 Q. When you say Javi sent you and the workers to Burbank,
17 what do you mean?

18 A. To sell at Burbank.

19 Q. Did you -- what, if anything, did you do to communicate to
12:18:57PM 20 customers that you were not selling on LaForce anymore?

21 A. Can you repeat the question?

22 Q. Did your customers know that you had moved from LaForce to
23 Burbank?

24 A. No, but there was Gargola, there was a guy that used to
12:19:19PM 25 sell with us at LaForce, he will stay at LaForce and all the

1 clients that come he will send them to Burbank, to tell them
2 that we were selling at Burbank.

3 Q. After you moved from LaForce to Burbank, how long were you
4 selling on Burbank?

12:19:52PM 5 A. I will say like -- like two or three months. I'm not 100%
6 sure.

7 Q. Were you selling in a particular house or on the street
8 when you began to sell on Burbank after leaving LaForce?

9 A. We were selling at the street, but we will stop at a front
12:20:17PM 10 of an abandoned house that was there at Burbank.

11 Q. All right. If you can clear your mark? I'm showing you
12 Government's 237. Do you recognize what's shown in this
13 exhibit?

14 A. Yes.

12:20:39PM 15 Q. Do you see the street labeled Burbank Street?

16 A. Yes.

17 Q. Is that the street that you began selling drugs in after
18 Obed's arrest on LaForce?

19 A. Yes.

12:20:55PM 20 Q. Do you know -- you already mentioned Noel going to Javi's
21 house. Do you know which is Javi's house on Government's 237?

22 A. Yes.

23 Q. Can you circle the house you knew as Javi's house?

24 And you've drawn a circle around the house with the No. 6 on
12:21:23PM 25 it?

1 A. Yes.

2 Q. Can you describe -- if you could clear that mark, please?

3 Can you describe or show us where on Burbank in general that
4 you sold on the street when you moved from LaForce to selling
12:21:46PM 5 on the street on Burbank?

6 A. I got lost. Can you repeat the question?

7 Q. Show us on this exhibit here where -- the area that you
8 sold when you were selling on the street on Burbank.

9 A. Mostly at the corner of Burbank and Clinton in front of
12:22:15PM 10 abandoned house that was there, like around here.

11 Q. All right. You've made a mark near the corner of North
12 Clinton Avenue and a line going along Burbank, that
13 intersection as well as a mark below the house marked No. 14
14 on Burbank; is that correct?

12:22:39PM 15 A. Yes. And there was another house that it was abandoned
16 also that we will stop in front of it to sell, but like I
17 can't -- I can't see it in this -- this side.

18 Q. From this aerial photo you can't see which house?

19 A. No, no. In this angle that I'm at, I can't.

12:23:15PM 20 Q. Okay. If you can clear your marks? Did you continue to
21 work the table while you were selling on Burbank Street?

22 A. Yes.

23 Q. The same amount of times?

24 A. Yes.

12:23:31PM 25 Q. Did there come a time after you had been selling on

1 Burbank for a period of time that you stopped working for
2 Javi?

3 A. Yes.

4 Q. Can you tell us about when that was?

12:23:51PM 5 A. I think it was like in October of 2016, I'm not 100% sure.

6 Q. At the time you decided to stop working for Javi were you
7 still selling on Burbank?

8 A. Yes.

9 Q. All right. At that time where -- and you were still
12:24:17PM 10 working the table?

11 A. Yes.

12 Q. Where were you working the table in that time as of
13 October of 2016?

14 A. At the apartment in Culver.

12:24:29PM 15 Q. I'll show you Government's 95. Is that the place you
16 previously identified as the building you worked the table at
17 on Culver?

18 A. Yes.

19 **MR. MARANGOLA:** Your Honor, can we have a brief
12:24:51PM 20 sidebar?

21 **THE COURT:** Sure.

22 (WHEREUPON, a discussion was held at side bar out
23 of the hearing of the jury.)

24 **MR. MARANGOLA:** Judge, I'm going to another area.
12:25:02PM 25 I'm not sure what -- the pizza break, what the Court had

1 planned in terms of the schedule.

2 **THE COURT:** We can take a break now. How much
3 longer will you be with this witness, do you know?

4 **MR. MARANGOLA:** Well, I'm going to start getting
12:25:14PM 5 into some wire calls in a little while and we're going to
6 finish with the events of his arrest on Miller Street.

7 Then I have to -- so I have -- I have a fair bit
8 left with him, not obviously all we need to cover today, but
9 I'm not sure when the Court wanted to take a break and have
12:25:33PM 10 them do the pizza.

11 **THE COURT:** We're going to take a break now.

12 **MR. MARANGOLA:** Now, okay, thank you.

13 **THE COURT:** Thank you.

14 (WHEREUPON, side bar discussion concluded.)

12:25:40PM 15 **THE COURT:** Ladies and gentlemen, at this time we're
16 going to take a break. In the meantime, I'd ask you not
17 discuss the matter or allow anybody to discuss the matter with
18 you. Jury may step down.

19 (WHEREUPON, there was a pause in the proceeding).

12:53:40PM 20 (WHEREUPON, the defendant is present).

21 **THE COURT:** Bring the jury out.

22 (WHEREUPON, the jury is present).

23 **THE COURT:** You may proceed.

24 **MR. MARANGOLA:** Thank you, Your Honor.

01:01:15PM 25 **BY MR. MARANGOLA:**

1 Q. Mr. Aponte Camacho, you testified before the break to --
2 that you stopped working for Javi in approximately October of
3 2016 some time?

4 A. Yes.

01:01:34PM 5 Q. All right. Between when you started working for Javi,
6 about May of 2015, and October of 2016, did you and other
7 members of Javi's drug operation use phones in connection with
8 conducting the drug business?

9 A. Yes.

01:01:53PM 10 Q. Can you tell us some of the ways in which you used cell
11 phones to conduct the drug business?

12 A. I don't understand what you're trying to ask me.

13 Q. How did you use cell phones in connection with the drug
14 dealing business that you were involved in between May of 2015
01:02:15PM 15 and October of 2016?

16 A. There were phones that they were under nobody's name and
17 we wouldn't use anything specifically to talk on those phones.
18 And we couldn't talk with anybody, like family or friends,
19 that they're not in the organization selling drugs.

01:02:52PM 20 Q. Can you describe what the cell phones that you're
21 referring to, what they looked like?

22 A. They were like flip phones.

23 Q. How would you get the flip phones that you used to conduct
24 the drug business?

01:03:10PM 25 A. We would buy them in a Arab store on Oxford -- Upper

1 Falls.

2 Q. On Upper Falls?

3 A. Yes.

4 Q. Did you buy them?

01:03:28PM 5 A. No.

6 Q. Were you given phones, flip phones, to use in connection
7 with the drug business?

8 A. Yes, if I was working.

9 Q. Tell us how you would get the phone, the flip phone, if
01:03:43PM 10 you were working.

11 A. On my turn, whoever was running, he's the one that always
12 had the phones. So when he will bring you the drugs, he will
13 bring you the phone when you start your shift.

14 And when your shift was over, you will give the
01:04:09PM 15 phone back and the person that will start working the next
16 day, he will give them that phone.

17 Q. Were there numbers that were pre-programmed into the
18 phones?

19 A. Yes.

01:04:25PM 20 Q. Were there -- whose numbers would be pre-programmed into
21 the flip phones that you got?

22 A. Mostly Javi and whoever was running, delivering the drugs
23 when you were running out. And in a few phones there was the
24 names and all the workers, but not in all of them.

01:04:56PM 25 Q. How often would you get a new phone?

1 A. Honestly, I can't tell you with a number exactly. Maybe
2 every six months, maybe every four months. It depends. If
3 Javi will see someone that will say something specifically
4 over the phone that could -- the police could record the call
01:05:42PM 5 and know that we were talking about drugs, we will change the
6 phones. But if it wasn't like that, he wouldn't change them
7 very frequently.

8 Q. Did -- did you also have a personal phone?

9 A. Yes.

01:06:07PM 10 Q. How would you talk on your personal phone compared to the
11 flip phone that you used for the drug business?

12 A. With my normal phone, normal I will talk with my family,
13 with Obed, that we're always talking, but we never talk about
14 drugs or about selling drugs or about working at the table.

01:06:42PM 15 If he had to see me, he will tell me come over here
16 to BB, that that means Burbank; or come to L; or we have to
17 work today, I'm gonna pick you up.

18 Q. What does L mean?

19 A. LaForce.

01:07:08PM 20 Q. Do you know what would happen to the phones, the flip
21 phones, when they were switched? What would happen to the old
22 ones?

23 A. They would get rid of them.

24 Q. Why didn't you talk drug stuff on your personal phone?

01:07:39PM 25 A. Because it was on my name and if the police was recording,

1 they were gonna know who was the owner of the phone.

2 Q. For these flip phones that you used, did you ever pay a
3 cell phone bill for them?

4 A. That was prepaid.

01:08:02PM 5 Q. So you never paid a bill for it?

6 A. No.

7 Q. You would --

8 A. Not me.

9 Q. -- they would be purchased with minutes on them?

01:08:16PM 10 A. Yes. I'm not -- I'm not very sure.

11 Q. By the way, was there a word or term that you used to call
12 the flip phones that you used for the drug business?

13 A. Yes.

14 Q. Was what the word you used to refer to the flip phone?

01:08:35PM 15 A. *Maracas*.

16 Q. Now, when you and other members of the drug operation
17 talked on the flip phones or *maracas* and you were discussing
18 drug business, how would you talk?

19 A. Not very specifically either. We wouldn't mention names

01:09:09PM 20 of like heroin or cocaine or crack. When somebody was

21 working, like an example like when I was working and I ran out
22 of heroin, I will call whoever was running and I will tell
23 them I'm out of coffee; or if I was out of cocaine, I'm out of
24 milk; or if it was crack, I'm -- the hard one is done, or the
01:09:45PM 25 rock.

1 Q. Why did you use different words instead of saying heroin
2 or cocaine or crack when you spoke over the phone?

3 A. Because if the police was recording the phones or they
4 were tapped, they were gonna know that they were selling
01:10:10PM 5 drugs.

6 Q. Now, during the time that you worked as a part of this
7 operation, how often would you speak in person or on the phone
8 with Javi?

9 A. Over the phone, I'm not gonna say every day, but weekly,
01:10:37PM 10 but face-to-face every day.

11 Q. How often would you speak to Obed?

12 A. Over the phone, my personal phone, every day. And
13 face-to-face every day.

14 Q. I'm not talking about whether it's on a personal phone or
01:10:56PM 15 the *maraca*. I'm just talking about at all.

16 A. Every day.

17 Q. In addition to Javi and Obed, how often would you speak to
18 Tapon?

19 A. Let's say every day person-to-person. And on the phone,
01:11:27PM 20 it depends if I was working one day and not the other.

21 Q. What about Robert? Did you speak to Robert either in
22 person or on the telephone?

23 A. Yes.

24 Q. How often did you speak with him during -- between May of
01:11:53PM 25 2015 and October of 2016?

1 A. Every day.

2 Q. What about Leitscha? How often did you speak to her?

3 A. When I will see her at the table two or three times a
4 week.

01:12:25PM 5 Q. All right. So based on those conversations were you
6 familiar with the voices of Javi and Obed and Tapon and Robert
7 and Leitscha?

8 A. Yes.

9 Q. Were you also familiar with their appearance? What they
01:12:55PM 10 look like?

11 A. Yes.

12 Q. Familiar with their size and their shape from seeing them
13 in person?

14 A. Yes.

01:13:00PM 15 Q. Were you also familiar with vehicles that some of these
16 individuals drove?

17 A. Yes.

18 Q. Now, based on your participation in Javi's drug operation
19 between May of 2015 and October of 2016, were you familiar
01:13:31PM 20 with the way in which members of that organization spoke over
21 the telephone?

22 A. Yes.

23 Q. Were you familiar with words or phrases that people would
24 use to avoid speaking openly about drugs?

01:13:51PM 25 **MR. VACCA:** Objection.

1 **THE COURT:** Overruled.

2 **THE WITNESS:** Yes.

3 **BY MR. MARANGOLA:**

4 Q. Would you yourself use different words to avoid speaking
01:14:00PM 5 openly about drugs?

6 A. Yes.

7 Q. All right.

8 **MR. MARANGOLA:** Judge, if I could approach the
9 witness?

01:14:12PM 10 **THE COURT:** Yes.

11 **BY MR. MARANGOLA:**

12 Q. Mr. Aponte Camacho, were you asked to listen to wiretap
13 calls in this case in preparation for your testimony?

14 A. Can you repeat the question?

01:14:39PM 15 Q. Yes. Were you asked to listen to wiretap calls in
16 preparation for the trial here and your testimony?

17 A. Yes.

18 Q. And there's a binder marked Government's 1 on your ledge
19 there. Do you see that?

01:15:00PM 20 A. Yes.

21 Q. And there's also a disk that I just put up there, a DVD
22 marked Government's 1A.

23 A. Yes.

24 Q. I'd ask you to take a look at the disk marked 1A and tell
01:15:16PM 25 us if you recognize that?

1 A. Yes.

2 Q. Were you asked to listen to calls from that DVD in
3 preparation for the trial?

4 A. Yes.

01:15:28PM 5 Q. How do you recognize that DVD as the one you listened to
6 calls from in preparation for the trial?

7 A. Because it has my initials.

8 Q. And did you put your initials on that?

9 A. Yes.

01:15:45PM 10 Q. All right. I'd like you to look at the binder marked
11 Government's Exhibit 1. Were you asked to review transcripts
12 of the calls that you listened to on the DVD marked
13 Government's 1A?

14 A. I got lost. Can you repeat the question?

01:16:01PM 15 Q. Sure. Were you asked to review transcripts of the calls
16 that you listened to from the DVD marked Government's 1A?

17 A. Yes.

18 Q. And are those transcripts that you were asked to review
19 contained in the binder marked Government's 1?

01:16:20PM 20 A. Yes.

21 Q. And did you recognize the speakers in some of those calls
22 that you listened to?

23 A. Yes.

24 Q. Okay. And did you put your initials on some of the
01:16:32PM 25 transcripts contained in Government's 1?

1 A. Yes.

2 Q. And by placing your initials on those transcripts what
3 were you indicating?

4 A. That I recognize the voices of some of the people that
01:16:51PM 5 were talking.

6 Q. Okay. Do you recall whose voices you recognized in some of
7 the calls in Government's Exhibit 1?

8 A. Yes.

9 Q. Whose voices do you recall?

01:17:09PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled.

12 **THE WITNESS:** Javi, Robert, Leitscha, Karina,
13 Carmen, Ingrid, Jashua, Obed, Tapon. And that's it.

14 **BY MR. MARANGOLA:**

01:17:37PM 15 Q. All right. I'd like you to take the binder there and flip
16 to tab -- there's numbers on the right side of the tabs there.
17 I'd like you to flip to tab 1-7. Do you see the transcript
18 behind the tab at 1-7-707?

19 A. Yes.

01:18:17PM 20 Q. Are your initials on that transcript?

21 A. No.

22 Q. On the transcript behind tab 1-7-707?

23 A. What you said the number 1-7?

24 Q. 1-7-707.

01:18:49PM 25 A. Yes.

1 Q. Are you there?

2 A. Yes.

3 Q. Okay. Are your initials on that transcript?

4 A. Yes.

01:18:55PM 5 Q. Did you listen to the call that corresponds to this
6 transcript?

7 A. Yes.

8 Q. And did you recognize the participants in this call?

9 A. Yes.

01:19:05PM 10 Q. And are the participants accurately identified in the
11 transcript?

12 A. Yes.

13 Q. And who are the participants identified in this
14 transcript?

01:19:16PM 15 **MR. VACCA:** Objection, Your Honor.

16 **THE COURT:** Overruled. Go ahead.

17 **THE WITNESS:** Roberto Figueroa and Obed Torres.

18 **BY MR. MARANGOLA:**

19 Q. Were those the speakers in this call?

01:19:28PM 20 A. Yes.

21 **MR. MARANGOLA:** At this time I'd offer the call
22 corresponding to tab 1-7-707 and ask to publish it from
23 Government's 1B, which is the Spanish captioned call exhibit
24 that was received.

01:19:54PM 25 **THE COURT:** Mr. Vacca?

1 **MR. VACCA:** I would object to that, Your Honor.

2 **THE COURT:** Overruled. 1-7-701 (sic) will be
3 received.

4 **MR. VACCA:** 707?

01:20:07PM 5 **MR. MARANGOLA:** It's 1-7-707. Your Honor, may the
6 jury be permitted to view the call in their binder if they
7 wish?

8 **THE COURT:** Yes, they can review the binder or watch
9 the screen, either one. I may have misspoke. It was 1-7-707.

01:20:32PM 10 **MR. MARANGOLA:** Yes.

11 (WHEREUPON, Government's Exhibit 1-7-707 was
12 received into evidence).

13 **BY MR. MARANGOLA:**

14 Q. Mr. Aponte Camacho, based on your participation in this
01:21:53PM 15 operation do you have an opinion as to what Obed was referring
16 to when he said he was going to buy the *maraca*?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled.

19 **THE WITNESS:** The phone to work that they use to
01:22:09PM 20 talk when they're selling drugs and stuff.

21 **BY MR. MARANGOLA:**

22 Q. When you say they, was that also a term that you used?

23 A. Yes.

24 Q. And phones that you used in connection with the drug
01:22:25PM 25 business?

1 A. Yes.

2 Q. Now, you testified that *maraca* was a term used to describe
3 a flip phone. Were there other terms that you were aware of
4 that were used by members of this operation while you
01:22:44PM 5 participated in it to refer to guns or firearms?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled. Go ahead.

8 **THE WITNESS:** Yes.

9 **BY MR. MARANGOLA:**

01:22:55PM 10 Q. Do you recall any of those terms?

11 A. Yes.

12 Q. What were some of the terms that were used instead of
13 using the word gun or firearm?

14 **MR. VACCA:** Objection, Your Honor.

01:23:07PM 15 **THE COURT:** Overruled.

16 **THE WITNESS:** A short one, a burner, a hammer, or a
17 tool.

18 **BY MR. MARANGOLA:**

19 Q. What was a short one? What did a short one refer to?

01:23:31PM 20 A. A pistol, a hand pistol.

21 Q. And you said tool and burner were also words used instead
22 of gun or firearm?

23 A. Yes.

24 Q. Why wouldn't you want to use the word gun or firearm in a
01:23:51PM 25 call regarding drug trafficking?

1 **MR. VACCA:** Objection, Your Honor.

2 **THE COURT:** Overruled.

3 **THE WITNESS:** Because if the police had the phones
4 tapped, they were gonna know -- they were not gonna know what
01:24:10PM 5 we were talking about.

6 **BY MR. MARANGOLA:**

7 Q. Mr. Aponte Camacho, when you reviewed calls that are in
8 the binder marked Government's 1, were there occasions where
9 you put your initials on a transcript even though you couldn't
01:24:33PM 10 identify every speaker in the call?

11 A. Yes.

12 Q. So there were some where you could only identify some of
13 the participants?

14 A. Yes.

01:24:49PM 15 Q. Okay. But this was a call, the one we just heard, where
16 you identified both participants, correct?

17 **MR. VACCA:** Objection, Your Honor, leading.

18 **THE COURT:** Overruled. Go ahead.

19 **THE WITNESS:** Yes.

01:24:57PM 20 **BY MR. MARANGOLA:**

21 Q. I'd like you to flip to 1-163-635. So first go to --

22 A. Can you repeat it again?

23 Q. Yeah, first look for 1-163. It's toward the end of the
24 book.

01:26:29PM 25 A. Okay.

1 Q. Are you at tab 1-163-635?

2 A. Yes.

3 Q. Did you review a call that corresponded to the transcript
4 at that exhibit?

01:26:46PM 5 A. Yes.

6 Q. Did you recognize the participants in the call?

7 A. Yes.

8 Q. Did you recognize both participants or just one? Actually
9 I should say there's three, correct?

01:27:04PM 10 A. Yes.

11 Q. Did you recognize all three participants or just some of
12 them?

13 **MR. VACCA:** Objection, Your Honor.

14 **THE COURT:** Overruled.

01:27:13PM 15 **THE WITNESS:** Yes, all three.

16 **BY MR. MARANGOLA:**

17 Q. And did you put your initials on the bottom of this
18 transcript?

19 A. Yes.

01:27:20PM 20 Q. And who were the speakers listed in this call?

21 A. Leitscha, Javi, and Tapon.

22 Q. All right.

23 **MR. MARANGOLA:** And I believe this has already
24 been received into evidence, but if it hasn't, I'd offer
01:27:41PM 25 1-163-635.

1 **THE COURT:** Yes, it was previously received.

2 **BY MR. MARANGOLA:**

3 Q. If we can play this call? Mr. Aponte Camacho, who was the
4 person you heard say get in the car and bring a short one
01:28:39PM 5 quickly?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled.

8 **THE WITNESS:** Javi.

9 **BY MR. MARANGOLA:**

01:28:44PM 10 Q. And based on your participation in this conspiracy, do you
11 have an opinion as to what Javi was referring to when he said
12 short one?

13 **MR. VACCA:** Objection, Your Honor.

14 **THE COURT:** Overruled.

01:28:58PM 15 **THE WITNESS:** A pistol.

16 **BY MR. MARANGOLA:**

17 Q. If you can go to tab 1-20 -- I'm sorry, 1-97.

18 **MR. VACCA:** 333, right?

19 **MR. MARANGOLA:** Yes, that's correct.

01:29:45PM 20 **BY MR. MARANGOLA:**

21 Q. Are you there?

22 A. Yes.

23 Q. Do you recognize the transcript behind tab 1-97-333?

24 A. Yes.

01:30:12PM 25 Q. Did you listen to that call in preparation for trial?

1 A. Yes.

2 Q. Did you recognize any of the voices on this call?

3 A. Yes.

4 Q. Did you put your initials on this transcript indicating
01:30:24PM 5 that you recognized voices on this call?

6 A. Yes.

7 Q. How many participants are listed on this call?

8 A. Three.

9 Q. Did you recognize all three participants' voices?

01:30:39PM 10 A. No.

11 Q. Which participants' voices did you recognize?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled.

14 **THE WITNESS:** Javi and Obed.

01:30:50PM 15 **BY MR. MARANGOLA:**

16 Q. All right. Are the parts attributed to Javi and Obed in
17 the transcript accurately attributed to the voices you knew as
18 Javi's and Obed's?

19 A. Can you repeat the question?

01:31:07PM 20 Q. Yes. Where it says in the transcript Javi said something
21 or Obed said something, does it accurately say which person it
22 was?

23 A. Yes.

24 Q. All right.

01:31:42PM 25 **MR. MARANGOLA:** At this time, Your Honor, I'd offer

1 the call behind tab 1-97-333.

2 **MR. VACCA:** I'd object to that, Your Honor.

3 **THE COURT:** What about the VP? That hasn't been
4 identified?

01:32:04PM 5 **MR. MARANGOLA:** It has not, Your Honor, and I will
6 not be asking this witness to identify that person. We'll
7 have another witness that will identify that person in this
8 call.

9 **THE COURT:** All right. Well, then I think we
01:32:15PM 10 should --

11 **MR. MARANGOLA:** Play it for that witness?

12 **THE COURT:** Go up to where VP speaks on page 4 and
13 the call should be ended at that point.

14 **MR. MARANGOLA:** I will, I will stop playing it
01:32:24PM 15 before that third speaker comes into the call.

16 **THE COURT:** Okay. So 1-97-333 will be received
17 through -- let's see where it starts, on page 4, the word
18 look. From there on is not received.

19 (**WHEREUPON**, Government's Exhibit 1-97-33 was
01:32:57PM 20 received into evidence).

21 **THE COURT:** 19 lines from the bottom of that page.

22 **MR. VACCA:** It's admitted up to that point, Your
23 Honor?

24 **THE COURT:** Yes, up to -- 19 pages (sic) up on page
01:33:14PM 25 4 from the bottom.

1 **MR. MARANGOLA:** 19 lines up from page 4?

2 **THE COURT:** Yes.

3 **MR. MARANGOLA:** Thank you, Your Honor.

4 **THE COURT:** Starts with look.

01:33:21PM 5 **MR. VACCA:** Starts with look, correct?

6 **THE COURT:** Yes.

7 **MR. VACCA:** Okay, thank you.

8 **THE COURT:** You may proceed.

9 **BY MR. MARANGOLA:**

01:33:28PM 10 Q. By the way, the previous call we just heard was a Spanish
11 call; is that correct, Mr. Camacho?

12 A. Yes.

13 Q. The call corresponding to the transcript was also a
14 Spanish call; is that right?

01:33:39PM 15 A. Yes.

16 Q. All right. It's already been received at this time. I'd
17 ask to publish the call.

18 **THE COURT:** Yes.

19 **BY MR. MARANGOLA:**

01:34:24PM 20 Q. Mr. Camacho, who did you just hear say dude, you saw those
21 two cops over there, right?

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled.

24 **THE WITNESS:** I know the person that said it.

01:34:39PM 25 **BY MR. MARANGOLA:**

1 Q. Who was the person that said it?

2 A. But he didn't say police.

3 Q. What did he say?

4 A. Guardian, referring to police.

01:34:58PM 5 Q. Guardian?

6 A. Guardian, guardian.

7 Q. Is that another -- is that another word for police?

8 A. Yes.

9 Q. All right. And you see in the transcript it says two cops?

01:35:13PM 10 A. Yes.

11 Q. Who is the person that said what you heard in the call?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled.

14 **THE WITNESS:** Javi.

01:35:20PM 15 **BY MR. MARANGOLA:**

16 Q. And Javi said that to who?

17 A. Obed.

18 Q. All right. If we can keep going? When Obed said I closed
19 up, I closed up, based on your participation in this

01:35:44PM 20 conspiracy do you have an opinion as to what Obed is referring
21 to when he said he closed up?

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled. Go ahead.

24 **THE WITNESS:** That he closed the spot, that he
01:36:00PM 25 stopped selling drugs.

1 **MR. VACCA:** Your Honor, I would move to strike that.
2 This interpretation by the witness is far afield from what it
3 plainly looks on its face.

4 **MR. MARANGOLA:** Objection, Judge, to the
01:36:19PM 5 editorializing by defense counsel.

6 **THE COURT:** I'll sustain the objection and strike
7 the last answer. Go ahead.

8 **BY MR. MARANGOLA:**

9 Q. If we can keep playing? Who is speaking right now?

01:36:41PM 10 A. Obed.

11 Q. And do you see where he said that fucker that caught me
12 that time at the L?

13 A. Yes.

14 Q. Based on your participation in this conspiracy and your
01:36:57PM 15 relationship with Obed Torres Garcia, do you have an opinion
16 what he's referring to when he said that fucker that caught me
17 that time at the L?

18 **MR. VACCA:** Your Honor, I would object to the
19 editorializing, the way he put participation in this
01:37:11PM 20 conspiracy, foundation for the question.

21 **THE COURT:** Overruled. You can answer that.

22 **THE WITNESS:** Like that -- like that -- he tried to
23 say like that cop. The guy -- the one that caught me on L
24 that is LaForce, referring to LaForce.

01:37:36PM 25 **BY MR. MARANGOLA:**

1 Q. All right. If we can keep going? Mr. Camacho, did you
2 hear Obed Torres say something about the camera facing the
3 other way?

4 A. Yes.

01:38:18PM 5 Q. During your involvement in this conspiracy were you aware
6 of whether cameras were utilized in connection with selling
7 heroin, cocaine or crack cocaine?

8 A. No.

9 Q. Okay. If we can keep going? Mr. Aponte Camacho, what's
01:41:44PM 10 your sister Amy's husband's name?

11 A. You're asking the father of her kids?

12 Q. Yes.

13 A. David.

14 Q. Did -- is David a drug user?

01:42:08PM 15 A. Yes.

16 Q. Did he purchase -- first of all, what drugs does he use?

17 A. He used heroin. I don't know right now at the moment he's
18 still using.

19 Q. In the past you know him to be a heroin user?

01:42:30PM 20 A. Yes.

21 Q. Where did you know him to purchase heroin from?

22 A. He will buy from Burbank.

23 Q. All right. If we can keep going?

24 **MR. MARANGOLA:** Your Honor, I just noticed it's

01:46:52PM 25 1:42. That's all I plan to play from this portion of the call

1 based on the prior ruling.

2 **THE COURT:** Okay, thank you.

3 Ladies and gentlemen, I think it's a good time to
4 take a recess. We'll stand in recess until Monday at 8:30.

01:47:06PM 5 In the meantime, you've heard an awful lot of
6 testimony over the last three weeks, it's not the time to make
7 up your mind. It's very important that you not discuss the
8 matter or allow anybody to discuss the matter with you or do
9 any research on this case related to any issues of fact, law,
01:47:22PM 10 witnesses, any of the participants in this trial. I know
11 you've been abiding by those rules, but I have to constantly
12 remind of you that.

13 With that understanding the jury may step down
14 until Monday morning at 8:30. Have a great weekend.

01:47:35PM 15 (**WHEREUPON**, proceedings adjourned at 1:47 p.m.)

16 * * *

17 **CERTIFICATE OF REPORTER**

18 In accordance with 28, U.S.C., 753(b), I certify that
19 these original notes are a true and correct record of
20 proceedings in the United States District Court for the
21 Western District of New York before the Honorable Frank P.
22 Geraci, Jr. on May 14th, 2021.

23

24 S/ Christi A. Macri

25 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
Official Court Reporter